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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,854	10/17/2003	Ralph M. Pivonka	2-1271-013	9571
803 STURM & FIX	7590 11/27/200 CLL P	7	EXAMINER	
206 SIXTH AV SUITE 1213		MCKANE, ELIZABETH L		
-	IA 50309-4076	ART UNIT	PAPER NUMBER	
			1797	
			MAIL DATE	DELIVERY MODE
			11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/687,854	PIVONKA, RALPH M.		
Examiner	Art Unit		

	!	Leigh McKane	1797	
	The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	ress
THE	REPLY FILED 15 November 2007 FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.	
	The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	the same day as filing a Notice of wing replies: (1) an amendment, aff tice of Appeal (with appeal fee) in the	Appeal. To avoid aba fidavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)
	The period for reply expires <u>3</u> months from the mailing date. The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to	Advisory Action, or (2) the date set forth	in the final rejection, who date of the final rejection	ichever is later. In on.
	Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	(b). ONLY CHECK BOX (b) WHEN THI		
have unde set f may	nsions of time may be obtained under 37 CFR 1.136(a). The date been filed is the date for purposes of determining the period of exer 37 CFR 1.17(a) is calculated from: (1) the expiration date of the sorth in (b) above, if checked. Any reply received by the Office later reduce any earned patent term adjustment. See 37 CFR 1.704(b) FICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropring in the final Office	iate extension fee ce action: or (2) as
	The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed ENDMENTS	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of e appeal. Since
3. [The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	, will <u>not</u> be entered b	ecause
	(a) They raise new issues that would require further co(b) They raise the issue of new matter (see NOTE below	nsideration and/or search (see NO	TE below);	
	(c) They are not deemed to place the application in being appeal; and/or		ducing or simplifying	the issues for
	(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ected claims.	
αГ	The amendments are not in compliance with 37 CFR 1.1.		annolloint Annonderont	(DTOL 204)
5. [ompliant Amendment	(PTOL-324).
6. 🖸			ely filed amendment o	canceling the
7. 🛭	For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 19.	□ will not be entered, or b) □ wi vided below or appended. □ wi □ will not be entered, or b) □ will not be entered and or be	ll be entered and an e	explanation of
	Claim(s) objected to:			
	Claim(s) rejected: <u>17</u> . Claim(s) withdrawn from consideration:	•		
AFF	DAVIT OR OTHER EVIDENCE			
	The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good anwas not earlier presented. See 37 CFR 1.116(e).	nt before or on the date of filing a N d sufficient reasons why the affida	otice of Appeal will <u>no</u> vit or other evidence is	ot be entered s necessary and
	The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under appe y and was not earlier presented. S	al and/or appellant fa see 37 CFR 41.33(d)(ils to provide a 1).
	The affidavit or other evidence is entered. An explanation	n of the status of the claims after e	ntry is below or attacl	ned.
	QUEST FOR RECONSIDERATION/OTHER			
	The request for reconsideration has been considered bu See Continuation Sheet.	•	n condition for allowa	nce because:
	Note the attached Information Disclosure Statement(s).	(PTO/SB/08) Paper No(s)	e	
13.	□ Other:	•	Leigh (McKane Primary Examiner	Kane
			Art Init: 1797	

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Continuation of 11. does NOT place the application in condition for allowance because: While Applicant asserts that Jones does not teach sterilization, the examiner maintains that it does indeed. The destruction of microorganisms and other disease causing organisms is sterilization in the known sense of the term. Moreover, the only difference between the Opfel reference and the instant claim 17 is the mobility of the apparatus. Since Jones evidences the known use of a mobile apparatus, it is certainly not deemed inventive to apply mobility to the known apparatus.